

Monday, 10 November 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDING IN CHAMBERS

On

Application to take the testimony
of Baron SHIDEHARA by commission.

Before:

Major General Myron C. Cramer,
Acting President of the Tribunal,
and Member from the United States
of America

-and-

HON. Erima Harvey Northcroft,
Member from the Dominion of
New Zealand

Reported by:

Julian Wolf
Court Reporter
IMTNE

Appearances:

For the Defense Section:

Mr. Alfred W. Brooks, Counsel for the
Accused MINAMI, Jiro.
Mr. Toshio OKAMOTO, Counsel for the
Accused MINAMI, Jiro.

For the Prosecution Section:

Mr. A. S. Comyns Carr.

For the Secretariat:

Mr. Paul M. Lynch, Clerk of the Court.

The proceeding was begun at 1600.

ACTING PRESIDENT: This is an application, as I understand, to take the testimony by commission of Baron SHIDEHARA and I have designated Justice Northcroft to act as commissioner.

Now, the question is when and where.

MR. JUSTICE NORTHCROFT: This certificate comes from St. Lukes Hospital. Is that the American hospital?

MR. T. OKAMOTO: Yes.

MR. JUSTICE NORTHCROFT: Is that where the patient is?

MR. T. OKAMOTO: He went to the hospital the other day.

MR. JUSTICE NORTHCROFT: The patient is at that hospital?

MR. COMYNS CARR: It is the same hospital, is it, which is the American 49th?

MR. T. OKAMOTO: I am not sure.

MR. COMYNS CARR: It has been described as St. Lukes.

MR. BROOKS: Kyobashi-ku; that is the same "ku."

MR. COMYNS CARR: The 49th was originally

St. Lukes. I was inquiring, but I haven't received any definite reply as to whether it is the same hospital.

MR. JUSTICE NORTHCROFT: That is why I was surprised that it came from a Japanese doctor instead of an American doctor.

Can it be done tomorrow? That would be a

great convenience to you, Mr. Brooks.

MR. BROOKS: Yes, sir.

MR. JUSTICE NORTHCROFT: Would it spoil the orderly presentation of your case?

MR. BROOKS: No, that would be fine.

We could finish, could we, tomorrow?

MR. COMYNS CARR: It won't take very long.

There were some documents I wanted to put to him.

It is only a question of getting those assembled.

Perhaps if you could take it in the afternoon, Judge, I could make sure of having all the documents ready in the morning.

MR. JUSTICE NORTHCROFT: Two o'clock tomorrow.

Can the Court assemble the necessary people?

CLERK OF THE COURT: I think so, sir; yes, sir.

MR. JUSTICE NORTHCROFT: All you need is one interpreter and one recorder.

MR. BROOKS: How about checking the doctor to see what the medical report is?

MR. JUSTICE NORTHCROFT: It is lumbago. It is just a painful thing, but not serious.

MR. BROOKS: I understood he was to be operated on.

MR. T. OKAMOTO: So I heard.

MR. COMYNS CARR: I never heard of anybody

being operated on for lumbago.

MR. T. OKAMOTO: I wonder if it is possible for the Court to make sure what ward of the hospital he is in, because I shall get in touch with this doctor this evening. It seems it is a big hospital with various entrances and we might have trouble finding where he is.

MR. JUSTICE NORTHCROFT: One of the Court officers will do that. That is the business of the medical staff.

CLERK OF THE COURT: What hospital is it?

MR. JUSTICE NORTHCROFT: St. Lukes Hospital.

MR. COMYNS CARR: It is described as St. Lukes International Hospital, but in view of the fact that the doctor is Japanese, we were wondering, some of us, whether it is really the same as the 49th.

MR. T. OKAMOTO: There is a Japanese and an Allied section.

ACTING PRESIDENT: Can't you find that out?

MR. T. OKAMOTO: I can do it this evening, but I am not prepared yet to say --- pass upon that matter.

MR. JUSTICE NORTHCROFT: I had hoped all that would have been done. I thought you would have known all about it.

MR. T. OKAMOTO: No. This certificate just came this morning, so I had no time to get in touch with the hospital.

CLERK OF THE COURT: Judge Dell is not here. I don't think he will be here tomorrow. You will need a clerk there.

MR. JUSTICE NORTHCROFT: Yes.

CLERK OF THE COURT: One clerk, one reporter and one interpreter.

MR. JUSTICE NORTHCROFT: Yes, and a representative of the Language Department, the Language Arbitration Board.

MR. COMYNS CARR: I shall need certain exhibits there, of which I will give you a list tonight or tomorrow morning.

CLERK OF THE COURT: Yes, sir, I will appreciate that.

MR. COMYNS CARR: Would the morning do?

CLERK OF THE COURT: Yes, sir.

MR. BROOKS: Mr. Carr, would you give me a copy at the same time?

MR. COMYNS CARR: Yes.

MR. BROOKS: You can use the Court's copy and I can use those.

MR. COMYNS CARR: We must have one for the

witness to see, but I will let you know.

MR. BROOKS: All right, thank you.

CLERK OF THE COURT: Early in the morning.

MR. COMYNS CARR: That would suit you better.

MR. JUSTICE NORTHCROFT: Who will be the court functionary in charge?

CLERK OF THE COURT: I will attempt to make all the arrangements.

MR. JUSTICE NORTHCROFT: Yes, but who will be the person in charge who will make the arrangements and will attend? Who will that person be?

CLERK OF THE COURT: I will have to take that up with the Secretariat's Office, but I am of the opinion that I will have to go.

MR. JUSTICE NORTHCROFT: I just want to know that somebody specifically is charged with the responsibility of knowing all about it, and I will be told at one o'clock at the Imperial Hotel tomorrow where it is and I will attend with my associate at two o'clock at the place. Is that all?

CLERK OF THE COURT: Yes, sir.

MR. JUSTICE NORTHCROFT: Meantime, there will be a commission drawn up to be signed by the President.

CLERK OF THE COURT: Yes, sir.

ACTING PRESIDENT: I will be here at the office in the morning.

Are we through with this matter?

* MR. BROOKS: As I understand it now, this commission will read the affidavit at that time and then Mr. Carr will cross-examine on his documents.

MR. JUSTICE NORTHCROFT: It will not be read. It will be taken as read and the reporter will transcribe it and then we will proceed to the cross-examination.

ACTING PRESIDENT: If that is all, we will adjourn so far as this meeting is concerned, but I would like to talk to you a minute on another matter.

(To the official court reporter): Don't take this.

(Whereupon, a discussion was held off the record; the proceeding being concluded at 1610)

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